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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 SENECA RIDGE MANAGEMENT, LLC,

CASE NO. 2:12-cv-00491

20 Plaintiff,

21 vs.

22 CHILDREN'S CHOICE LEARNING
23 CENTERS, INC.,

24 Defendant.

**STIPULATION AND ORDER TO
VACATE PREVIOUS ORDER AND
ORDER TO DISMISS ACTION
WITHOUT PREJUDICE PURSUANT
TO RULE 41(a)(2)**

25 The parties, Seneca Ridge Management, LLC ("Seneca Ridge") and Defendant
26 Children's Choice Learning Centers, Inc. ("CCLC") (collectively the "Parties") have agreed to a
27 settlement of this current action which requires, among other consideration, that the Court's July
28 26, 2012 Order which granted, in part, CCLC's Motion to Dismiss be vacated and that the

1 Court's decision on the Motion to Dismiss be deemed pending, and that thereafter this action be
2 voluntarily dismissed without prejudice.

3 Accordingly, the Parties hereby agree and request that the Court order that that portion of
4 this Court's July 26, 2012 Order [Doc. No. 16] which granted in any part Defendant's Motion to
5 Dismiss the Complaint [Doc. No. 10] be vacated and the Court's decision on said motion be
6 deemed pending and having vacated this Court's July 26, 2012 Order, the Court, pursuant to
7 Rule 41(a)(2) voluntarily dismiss without prejudice the entire action including the Complaint,
8 Counts I to V, with each Party to bear its own costs. It is the intention of the Parties and of this
9 Order that the Complaint as originally filed be voluntarily dismissed without prejudice.

10 IT IS SO STIPULATED

11 Dated this ____ day of November, 2012

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13 /s/ *Joseph S. Luchini, Esq.*

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28 *Attorneys for Plaintiff, SENECA RIDGE
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13 /s/ *David J. Larson, Esq.*

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LEARNING CENTERS, INC.*

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21 IT IS SO ORDERED November 13, 2012.

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28 *James C. Mahan*
United States District Court Judge